

Message Text

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AMCONSUL FRANKFURT

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UNCLAS STUTTGART 0905

FOR POLADS

E.O. 11652: N/A

TAGS: PINT, GW

SUBJECT: B-M WITNESS ACCUSES ATTORNEYS OF COMPLICITY

REF: STUTTGART 144

1. SUMMARY: IN STUTTGART BAADER-MEINHOF TRIAL, FORMER ANARCHIST GERHARD MUELLER ACCUSED NUMBER OF DEFENSE ATTORNEYS OF HAVING ORGANIZED AND CARRIED OUT AN INFORMATION SYSTEM AMONG IMPRISONED AND FREE MEMBERS OF GANG. REPORTEDLY, HOWEVER, THE PROFESSIONAL LAWYERS' ORGANIZATION NEVERTHELESS AGAIN REFUSED TO ENDORSE CLOSER SUPERVISION OF CONTACTS BETWEEN DEFENSE ATTORNEYS AND PRISONERS. MEANWHILE, BADEN-WUERTTEMBERG MINISTER OF JUSTICE BENDER HAS REJECTED ACCUSATION BY FORMER BERLIN JUSTICE SENATOR OXFORD THAT

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B-W JUSTICE MINISTRY HAD OPPOSED TRANSFER OF BERLIN PRI-

SONERS TO STUTTGART-STAMMHEIM PRISON. END SUMMARY.

1. ON JULY 13, GERHARD MUELLER, A FORMER MEMBER OF THE "RED ARMY FACTION" (ROTE ARMEE FRAKTION/RAF) MADE DETAILED STATEMENTS IN STUTTGART-STAMMHEIM BAADER-MEINHOF TRIAL ABOUT THE ROLE OF RAF DEFENSE ATTORNEYS. HE STATED THAT SOME ATTORNEYS HAVE DELIVERED "GREETINGS" AND LETTERS FROM PRISONERS TO OTHER PRISONERS. HE MENTIONED IN THIS CONNECTION ESPECIALLY DEFENSE ATTORNEYS KURT GROENEWOLD, SIEGFRIED HAAG, EBERHARD BECKER AND CHRISTIAN STROEBELE. THE WITNESS POINTED OUT THAT IMPRISONED RAF MEMBERS HAD HAD THREE POSSIBILITIES FOR COMMUNICATING AMONG THEMSELVES WITHOUT JUDICIAL CENSORSHIP: (1) BY "CIRCULARS" OF THE BERLIN DEFENSE ATTORNEY HANS CHRISTIAN STROEBELE; (2) BY LETTERS OF THE HEIDELBERG ATTORNEY'S OFFICE BECKER, AND (3) BY AN "INFO SYSTEM" MANAGED BY THE HAMBURG BAADER-MEINHOF DEFENSE ATTORNEY KURT GROENEWOLD. THESE COMMUNICATIONS HAD EITHER BEEN CAMOUFLAGED AS DEFENSE ATTORNEY MAIL OR HAD BEEN TRANSPORTED IN FILES.

2. ACCORDING TO MUELLER, THE HAMBURG OFFICE OF GROENEWOLD EMPLOYED TWO PERSONS FOR MAKING COPIES OF THE WRITINGS OF THE DEFENDANTS. IN ADDITION TO SELF-CRITICISM, THIS CORRESPONDENCE ALSO CONTAINED PRACTICAL ORDERS FROM THE LEADERSHIP CORE AROUND ANDREAS BAADER AND GUDRUN ENSSLIN.

3. THE WITNESS, WHO WAS SENTENCED TO TEN YEARS OF IMPRISONMENT IN MARCH, SAYS HIS MOTIVE FOR MAKING THESE STATEMENTS WAS THAT HE HAD REFLECTED CAREFULLY ABOUT THE NATURE OF THE RAF AND THAT HE HAD BECOME DISAPPOINTED ABOUT BEHAVIOR OF BOTH RAF MEMBERS AND THEIR DEFENSE ATTORNEYS TOWARDS HIM.

4. BADEN-WUERTTEMBERG MINISTRY OF JUSTICE OFFICIALS FEEL THAT MUELLER'S STATEMENTS CONFIRM THEIR INITIAL FEAR THAT DEFENSE ATTORNEYS HAD MISUSED THEIR RIGHTS. THEY PLEAD AGAIN FOR AN EXAMINATION OF THE POSSIBILITY OF BROADENING SURVEILLANCE OVER CONTACTS BETWEEN PRISONERS AND THEIR DEFENSE ATTORNEYS. THE B-W LAND GOVERNMENT UNCLASSIFIED

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WILL TRY IN THE BUNDESRAT, IN COOPERATION WITH OTHER CDU/CSU-GOVERNED LAENDER, TO GET PERMISSION TO MONITOR ORAL AS WELL AS WRITTEN CONTACTS IN CASES OF PRISONERS WHO ARE SUSPECTED OF BEING MEMBERS OF A TERRORIST GROUP AND OF CONSPIRATORIAL COOPERATION WITH THEIR ATTORNEYS.

5. THE FEDERAL LAWYERS' CHAMBER, HOWEVER, REPORTEDLY IS STICKING TO ITS VIEW THAT THE POSITION OF

AN ATTORNEY MUST NOT BE IMPAIRED BY EXPANDED CONTROLS.

6. MEANWHILE, CONTRARY TO ACCUSATIONS OF FORMER BERLIN JUSTICE SENATOR OXFORT THAT THE BADEN-WUERTTEMBERG MINISTRY OF JUSTICE HAD REFUSED TO TAKE PRISONERS FROM OLD BERLIN PRISONS TO THE MODER STUTTGART-STAMMHEIM PRISON, MINISTRY OFFICIALS HAVE PUBLICLY STATED THAT B-W HAD REPEATEDLY OFFERED THE POSSIBILITY OF SUCH TRANSFERS. HOWEVER, BERLIN AUTHORITIES HAD NOT ACCEPTED ONE SUCH OFFER BECAUSE THE PRISONERS IN QUESTION WERE REQUIRED TO REMAIN IN BERLIN TO SERVE AS WITNESSES IN AN IMPORTANT TRIAL. THE B-W JUSTICE MINISTRY HAD ESPECIALLY URGED TO TRANSFER FEMALE PRISONERS AFTER ULRIKE MEINHOF'S SUICIDE BECAUSE OF FEAR THAT GUDRUN ENSSLIN, THEN THE ONLY FEMALE PRISONER OF THE ANARCHISTS' SCENE IN STAMMHEIM, MIGHT ALSO COMMIT SUICIDE. B-W MINISTRY OF JUSTICE SPEAKER CALLED OXFORT'S ACCUSATIONS "INCOMPREHENSIBLE."

7. ON THE OTHER HAND, THE AUTHORIZED SPOKESMAN FOR THE BADEN-WUERTTEMBERG FDP LANDTAG FACTION HAS REJECTED THE B-W JUSTICE MINISTRY'S STATEMENTS, CLAIMING THAT THE B-W GOVERNMENT HAD GIVEN IN TO A THREAT BY GUDRUN ENSSLIN TO COMMIT SUICIDE IF OTHER FEMALE PRISONERS FROM BERLIN WERE TRANSFERRED.

8. COMMENT: PRESS DEPICTS MUELLER'S TESTIMONY ABOUT COURIER SYSTEM BETWEEN PRISONERS AND DEFENSE ATTORNEYS AS VERY DAMAGING, IN SPITE OF ATTEMPT OF ATTORNEYS IN QUESTION TO DENIGRATE MUELLER AS IRRESPONSIBLE. WHILE PRESS COMMENTARY EXPRESSES APPRECIATION OF FACT THAT MUELLER'S STATEMENTS INEVITABLY GIVE RISE TO GOVERNMENTAL DESIRE FOR MORE CONTROLS, IT ALSO ADMONISHES THAT ACTIONS OF A SMALL GROUP OF ENEMIES OF DEMOCRACY SHOULD

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NOT PROVIDE GROUNDS FOR SOCIETY TO SURRENDER FREEDOM PIECE BY PIECE BY SETTING UP ADDITIONAL CONTROLS OVER ATTORNEY-CLIENT RELATIONSHIP.

AS IN THE TESTIMONY OF "BOMB-BUILDER" DIERK HOFF (STUTTGART 035 AND 144) THIS DIRECT TESTIMONY BY MUELLER SHOULD SHORTEN THE TRIAL AND ALSO EFFECTIVELY AUGMENT MASSES OF CIRCUMSTANTIAL EVIDENCE TO OBTAIN A CONVICTION. MEANWHILE, IT APPEARS CLEAR FROM CDU/FDP CHARGES AND COUNTER-CHARGES, COUPLED WITH POLITICAL SCENERIO IN BERLIN, THAT TERRORISM AND PRESERVATION OF INDIVIDUAL RIGHTS HAVE AGAIN ENTERED THE POLITICAL FORUM. JENKINS

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